

CORRES CONTROL
OUTGOING LTR NO



EG&G ROCKY FLATS

DOE ORDER# 4700.1

94 RF 07775

EG&G ROCKY FLATS, INC

ROCKY FLATS PLANT, P O BOX 464 GOLDEN COLORADO 80402 0464 • (303) 966 7000

DIST	LTR	ENC
AMARAL ME		
BURLINGAME AH	X	
BUSBY WS		
BRANCH DB		
CARNIVAL GJ		
DAVIS JG		
FERRERA DW		
FRAY RE		
GEIS JA		
GLOVER WS		
GOLAN PM		
HANNI BJ		
HARMAN LK		
HEALY TJ		
HEDAH T		
HILBIG JG		
HUTCHINS NM		
JACKSON DT		
KELL RE		
KUESTER AW		
MARX GE		
MCDONALD MM		
MCKENNA FG		
MONTROSE JK		
MORGAN RV		
POTTER GL		
PIZZUTO VM		
RISING TL		
SANDLIN NB		
SCHWARTZ JK		
SETLOCK GH		
STEWART DL		
STIGER SG	X	X
TOBIN PM		
VOORHEIS GM		
WILSON JM		
PRIMROSE	X	
SCHURDE	X	
RAY	X	
File		
CORRES CONTROL	X	X
ADMN RECORD/080	X	X
TRAFFIC		
PATS/T130G		

CLASSIFICATION

UCNI	X	X
UNCLASSIFIED		
CONFIDENTIAL		
SECRET		

AUTHORIZED CLASSIFIER

SIGNATURE

7-21-94

DATE

IN REPLY TO RFP CC NO

ACTION ITEM STATUS

□ PARTIAL/OPEN

□ CLOSED

LTR APPROVALS

DL5 ALP JLF

ORIG & TYPIST INITIALS

DL5 jlm

July 21, 1994

94-RF-07775

Jessie M Roberson
Acting Assistant Manager for
Environmental Restoration
DOE/RFFO

TRANSMITTAL OF THE DRAFT PHASE I RCRA [RESOURCE CONSERVATION AND RECOVERY ACT] FACILITY INVESTIGATION/REMEDIAL INVESTIGATION (RFI/RI) REPORT FOR OPERABLE UNIT (OU) 15 - SGS-410-94

Action Provide Department of Energy/Rocky Flats Field Office (DOE/RFFO) approval of and/or comments on the Draft Phase I RFI/RI Report by September 16, 1994

The purpose of this correspondence is to formally transmit the Draft Phase I RFI/RI Report for OU 15 (enclosed) to DOE/RFFO for submittal to the Environmental Protection Agency (EPA) and the Colorado Department of Health (CDH). The Draft Phase I RFI/RI Report for OU 15 is an Interagency Agreement (IAG) Table 6 milestone due on or before August 1, 1994. Concurrent reviews of the Draft Phase I RFI/RI Report by DOE Headquarters, DOE/RFFO, EPA, CDH, and EG&G Rocky Flats, Inc (EG&G) are scheduled. EG&G suggests that DOE request approval and/or comments on the Draft Phase I RFI/RI Report from the regulatory agencies on or before September 16, 1994.

EG&G has reevaluated its position regarding closure of OU 15 previously provided to DOE/RFFO (94-RF-06331). Based on the results of field work completed per the approved Phase I RFI/RI Work Plan for OU 15 and presented within the Draft Phase I RFI/RI Report for OU 15

- 1 No release to the environment occurred from OU 15 Individual Hazardous Substance Sites (IHSSs),
- 2 No threat of release to the environment from OU 15 IHSSs exists, and
- 3 RCRA clean closure performance standards have been met for OU 15 IHSSs

Therefore, OU 15 can be clean closed under the current RCRA permit for Rocky Flats Plant (RFP). The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) does not apply to OU 15 since under CERCLA there must be a release into the environment which may present an imminent and substantial threat, or a release is spilling/leaking into the environment, in order for action to be taken. Similarly, all of OU 15 IHSSs are located within buildings at RFP, and releases solely within a workplace are excluded from CERCLA.

If CERCLA closure of OU 15 is pursued, a No Action Record of Decision (ROD) is appropriate and should be used for CERCLA closure of OU 15 without further investigation of OU 15. EG&G has considered the "Interim" ROD (IROD) verbally proposed by DOE/RFFO to EG&G. Per the EPA guidance titled, "Guide to Developing Superfund No Action, Interim Action, and Contingency Remedy RODs," (April 1991) there is no precedent for nor a document termed an "Interim" ROD. The Interim Action ROD prepared for DOE Fernald Environmental Project (FEP) OU 3 would not be

ADMIN RECORD

DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE

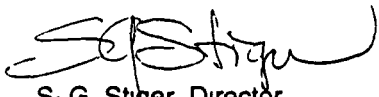
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applicable for OU 15 since OU 15 IHSSs are located within buildings scheduled for economic development or continued use instead of decontamination and decommissioning (D&D). An Interim Action ROD, IROD, or Interim Measure/Interim Remedial Action is not appropriate for coordination of OU 15 closure with economic development. The best effort for coordinating OU 15 with economic development (or decontamination and decommissioning) at RFP is to close OU 15 with respect to CERCLA and RCRA so that no coordination effort is necessary.

OU 15 IHSSs are already in a protective state since all of the approved Applicable or Relevant and Appropriate Requirements per the Phase I RFI/RI Work Plan for OU 15 have been met. Similarly, a remedy decision to take action at OU 15 must be supported by the Administrative Record (AR) for OU 15. An Interim Action cannot be justified based on the AR for OU 15. Any attempt to justify an interim action for use as a vehicle to coordinate activities at RFP versus responding to an imminent or substantial threat to the environment could be interpreted as fraud of the AR for OU 15.

DOE/RFFO is currently discussing regulatory agency involvement in D&D and the National Conversion Pilot Program (economic development) as part of the Rocky Flats Cleanup Agreement (RFCA) negotiations. EG&G feels that regulatory agency involvement inside buildings should be addressed within the RFCA forum for D&D and/or economic development, not as a part of OU 15. EG&G has evaluated OU 15 with regard to regulatory requirements. Any approach to closure of OU 15 other than No Action is outside the regulatory framework and is considered inappropriate by EG&G.

If you have questions with regard to this correspondence, please contact Dennis Schubbe of my staff at extension 8709.



S. G. Stiger, Director
Environmental Restoration Program Division
EG&G Rocky Flats, Inc

DLS jlm

Ong and 1 cc - J M Roberson

Enclosure
As Stated

cc
W Fitch - DOE/RFFO
M N Silverman - " "
L W Smith - " "